

# **NEW ISSUES IN REFUGEE RESEARCH**

**Research Paper No. 260**

## **Newcomers to Nairobi: the protection concerns and survival strategies of asylum seekers in Kenya's capital city**

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July 2013



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ISSN 1020-7473

## Introduction

From 2010 to 2012, the number of registered asylum seekers and refugees rose from 430,871 to 630,097, largely due to the conflict and drought affecting neighbouring Somalia.<sup>1</sup> Somalis are not the only people seeking safety in Kenya; asylum seekers arrive from South Sudan, Eritrea, Ethiopia and the Great Lakes region on a daily basis. This presents complex logistical concerns for humanitarian agencies operating in Nairobi, where an estimated 56,000 of Kenya's registered asylum seekers and refugees are currently based.<sup>2</sup>

Little is known about what happens to these new arrivals during their first days in the Kenyan capital. Though rumours abound, almost nothing is documented with respect to this critical period. Against this background, the Government of Kenya (GoK) has begun to take responsibility for refugee status determination (RSD); it has also ended urban registration processes and recently indicated that it is contemplating reinstating its previous policy of encampment for asylum seekers and refugees.

The study seeks to understand the period of potentially heightened vulnerability of asylum seekers immediately after their arrival in Nairobi. More specifically, it seeks to identify their immediate protection concerns and analyse the survival strategies they employ to counter these risks.<sup>3</sup> The study first documents the logistics of their arrival and the protection concerns of asylum seekers within the first week of their arrival in Nairobi. These immediate protection concerns include police harassment, theft, security threats, gender-based violence, physical assault, financial difficulties and resulting economic exploitation, as well as registration-related challenges.

The study also aims to understand immediate survival strategies, including accessing community-based informal support systems, as well as more formal services provided by the GoK, UNHCR and NGOs. Particular attention is paid to how new arrivals engage with the GoK's Department for Refugee Affairs (DRA) and UNHCR registration and documentation processes. Immediate livelihood strategies are also examined as the potentially extreme vulnerabilities of new arrivals can leave them susceptible to becoming involved in high-risk activities, such as child labour, commercial sex work, street work, and isolated and potentially exploitative domestic work.

A clearer understanding of the experiences of asylum seekers on arrival in Nairobi could inform the early intervention policies and programmes of the GoK, UNHCR and NGOs. By improving the targeting and effectiveness of the services provided by the Kenyan government and humanitarian organizations, newly arrived asylum seekers and refugees could benefit from enhanced protection.

<sup>1</sup> UNHCR 2012.

<sup>2</sup> Note that this figure does not include unregistered asylum seekers – estimates commonly place the total figure above 100,000. In 2008 Human Rights Watch found that half of the refugees interviewed in the Somali border town of Doble said that they were travelling straight to Nairobi, and the other half to Dadaab. In the same year, almost 65,000 Somali refugees were registered by UNHCR in Dadaab. If these observations can be taken as an indication of true movement patterns, they mean that in 2008 alone tens of thousands of Somali refugees arrived in Nairobi, although only 654 Somali asylum seekers applied for refugee status with UNHCR (HRW 2009).

<sup>3</sup> For the purposes of this study, the term 'new arrival' specifically refers to asylum seekers within their first week of arriving to Nairobi.

## Literature review

There is a growing body of literature focusing on urban refugees in Nairobi. The city has become a relatively accessible research site as it has evolved into a hub for development and humanitarian organizations operating throughout eastern Africa. The focus of the bulk of existing literature adopts a macro-policy approach to the situation of urban refugees, highlighting historical developments, including the evolving balance of responsibilities shared between the GoK and UNHCR,<sup>4</sup> and analysing proposed long-term durable solutions of repatriation, resettlement and local integration.<sup>5</sup>

This literature also tends to highlight the position of Somali refugees, as the largest refugee population residing in Kenya.<sup>6</sup> Research on the immediate micro-experiences of asylum seekers on arrival in Nairobi is currently scarce. Although some existing literature does touch upon protection issues, particularly police harassment, detention,<sup>7</sup> integration strategies and limitations (including a heavy emphasis on livelihoods),<sup>8</sup> it tends to adopt a long-term approach.

The current study seeks to address this knowledge gap by focusing on micro-experiences and particularly on the vulnerabilities faced by new arrivals to Nairobi. It also seeks to question the common assumption that urban asylum seekers and refugees must be self-reliant – why else would they forego camps where their basic needs would be provided for? This decision may be due to a variety of reasons that override considerations of whether or not they will be able to support themselves.

Indeed, even those who may have been relatively well-off in their country of origin often faced a drastic reduction in their socio-economic status on becoming asylum seekers. In light of these realities, the current study seeks to examine how new arrivals are able to cope in the challenging urban environment of Nairobi, including an analysis of the resources and social capital that they may be able to draw upon in their struggle for survival.

## Methodology

Primary data collection was carried out between February and April 2012 by a team of 13 community data collectors overseen by two RefugePoint researchers. The study sought to encompass the experiences of the main refugee communities residing in Nairobi, namely Somali, Ethiopian, Congolese, Eritrean, Rwandan, Burundian and Sudanese. RefugePoint's client database was used to identify locations with high concentrations of these refugee populations. These locations included Eastleigh (Somali and Ethiopian refugee populations), Pangani (Eritrean), Kasarani (Congolese), Kayole (Congolese), Umoja (Congolese), Kawangware/Satellite/Kabiria (Rwandan, Burundian, Sudanese).

Using current estimates at the time the study was conducted of the registered asylum seeker and refugee population size in Nairobi (53,531), and based upon a 5 per cent margin of error,

4 Campbell et al 2011; Farah 2011/2012.

5 Lambo 2012; Lindley and Haslie 2011; Lindley and Caterina 2011; RCK 2012.

6 HRW 2009; Lambo 2012; Lindley 2007; Lindley and Haslie 2011; Lindley and Caterina 2011.

7 HRW 2002; HRW 2009; Lambo 2012; Pavanello et al 2010; RCK 2005; RCK 2008; RCK 2012.

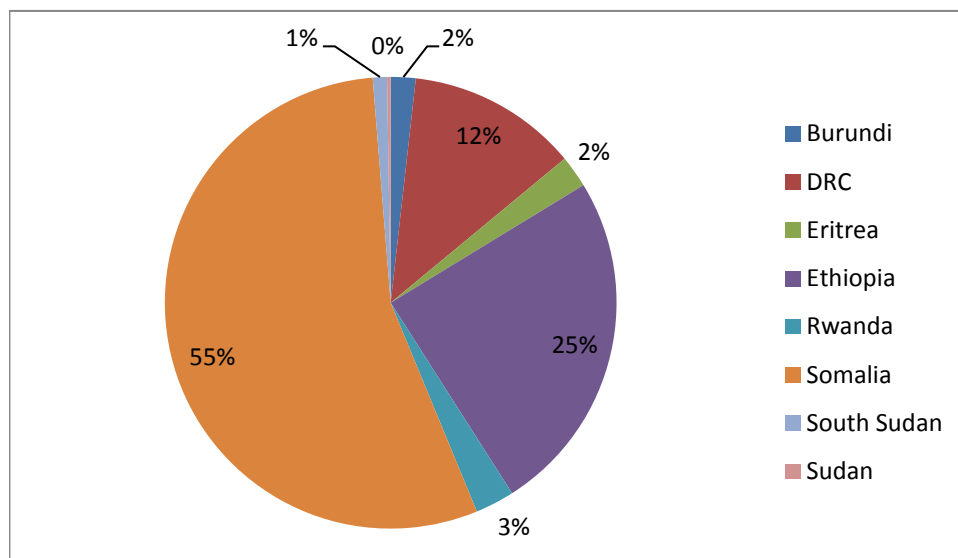
8 Campbell et al 2011; Farah 2011/2012; Lambo 2012; Lindley 2007; Lindley and Haslie 2011; Lindley and Caterina 2011; Pavanello et al 2010; RCK 2005; RCK 2012.

95 per cent confidence level and response distribution of 50 per cent, Raosoft Sample Size Calculator was used to generate a recommended minimum sample size of 382.<sup>9</sup> UNHCR data on the countries of origin of registered asylum seekers and refugees in Nairobi was then used to calculate proportionate sub-quotas by country of origin. This equated to 218 Somalis, 88 Ethiopians, 46 Congolese, 11 Eritreans, 11 Rwandans, 4 Burundians and 4 Sudanese.<sup>10</sup>

Much has been written on the difficulties of sampling urban refugee populations, who by their nature tend to be widely dispersed and keep out of sight.<sup>11</sup> Conducting household surveys for these populations was facilitated by the fact that Somali, Ethiopian and Eritrean communities are relatively concentrated in the areas of Pangani and Eastleigh. For other more widely dispersed communities, data collectors carried out household surveys in areas where concentrations of certain communities were known to reside. Where this was not possible, convenience and snowball sampling methods were used.

The final sample consisted of 394 individuals, comprising of 262 women, 131 men, and included the following representation of the different refugee communities in Nairobi:

**Figure 1: Country of origin of respondents**



Following a literature review and initial informational interviews, a pilot survey was designed and verbally administered to 15 community volunteers. The survey included questions on background demographic information, the arrival process, and their experiences immediately after they had arrived. The results were collated and analysed, and the questionnaire subsequently revised.

Community data collectors were recruited among community health workers and interpreters working RefugePoint, GIZ and Kituo cha Sheria's as they had the necessary English language skills and community knowledge to successfully conduct the study. They were trained in the sampling methodology, techniques for verbally administering the survey questionnaire and recording the results.

<sup>9</sup> See [www.raosoft.com/samplesize.html](http://www.raosoft.com/samplesize.html)

<sup>10</sup> UNHCR March 2012.

<sup>11</sup> Bloch 1999; Jacobsen and Landau 2003

Informational interviews were carried out by the principal researcher with representatives from UNHCR, DRA and NGOs working with new arrivals, including Heshima Kenya, Kituo cha Sheria, RefugePoint and faith-based organizations operating in Nairobi. Key informant interviews were also conducted with 12 community volunteers, three community religious leaders; snowball sampling methods were used to identify nine newcomers (that had arrived within the last year), and ten unaccompanied minors (UAMs). Seven intermediaries in the arrival process were also identified and interviewed, including bus conductors, loaders, ticket vendors and truck drivers.

The data was textually and statistically analysed using word-processing, Excel and Statistical Package for the Social Sciences (SPSS) software. Although every effort was made to train data collectors in the use of the research tools to ensure that the focus remained on asylum seekers' immediate experiences upon arrival (i.e. within the first week following arrival), there is some indication that a number of respondents may have interpreted the question more broadly, and answered in reference to their general experiences as an asylum seeker.

### **Arrival logistics**

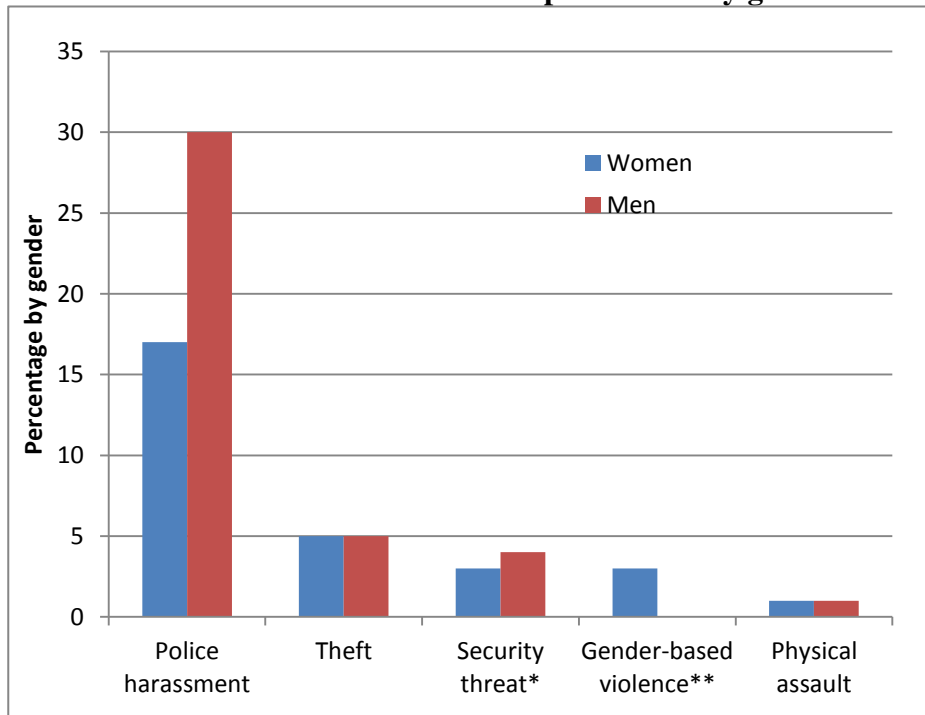
The majority of the sample group arrived in Nairobi between 6am and 12pm. In contrast to a camp setting, where there are clear entry hubs and registration points, respondents arrived at dispersed locations throughout the city. Seventy-seven per cent of Somali respondents and 70 per cent of Ethiopian respondents arrived directly in Eastleigh, where the vast majority of Ethiopians in Nairobi live.

Among the remaining Ethiopian respondents, 14 per cent arrived in Kariobangi (a common destination for lorries transporting livestock from the Ethiopian-Kenyan border town of Moyale), and six per cent in Githurai. Fifty-six per cent of respondents from the Great Lakes region arrived in the city centre (e.g. at bus company offices), 11 per cent in Kawangware/Kabiria, eight per cent on Mombasa Road, and eight per cent in Ngara. The latter two arrival points – Mombasa Road and Ngara – are common transit stops for lorries transporting goods from the Great Lakes region to the Indian Ocean.

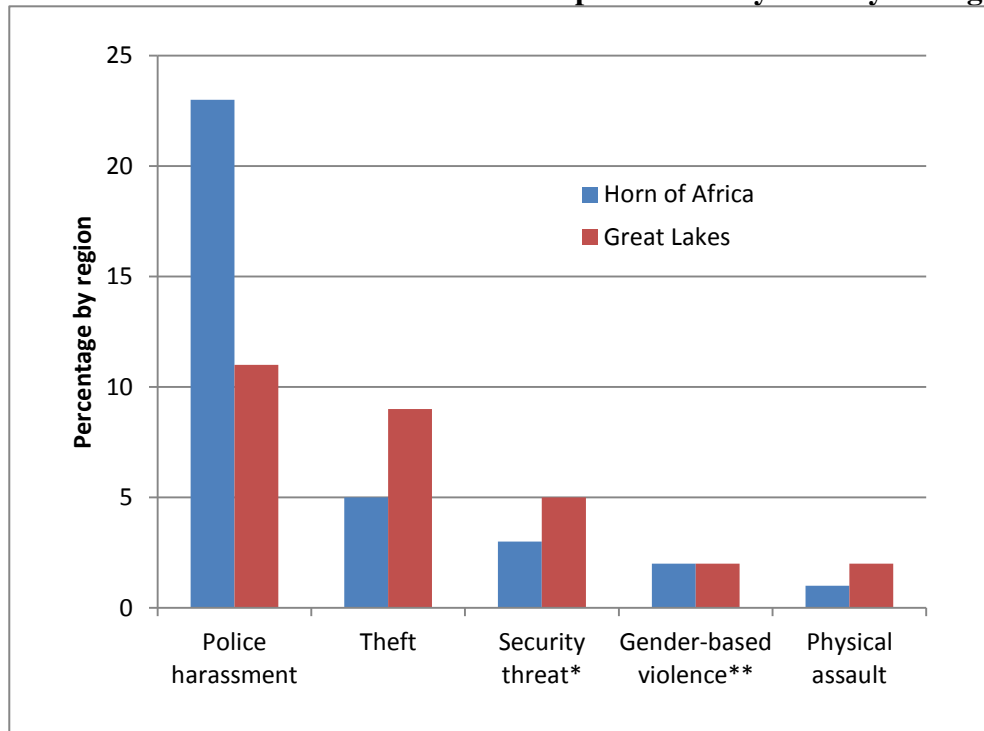
### **Protection concerns encountered upon arrival**

Forty per cent of respondents encountered protection concerns very shortly after their arrival in Nairobi. Of the sample group, men had a higher incident rate than women, with 49 per cent encountering immediate protection concerns versus 36 per cent of women. Respondents from the Horn of Africa were more susceptible than those from the Great Lakes region, with 42 versus 35 per cent encountering immediate protection concerns. Gender and country of origin also had a bearing on the protection-related problem an asylum seeker may have been exposed to.

**Figure 3: Protection concerns encountered upon arrival by gender**



**Figure 4: Protection concerns encountered upon arrival by country of origin**



\* Including threat of deportation, arbitrary detention or death.

\*\* Physical, sexual and psychological violence that targets individuals or groups on the basis of their gender (including battering, dowry-related violence, sexual harassment, sexual abuse, rape, female genital mutilation, trafficking and forced prostitution).

### *Police harassment*

Police harassment was the most commonly encountered protection concern, affecting 21 per cent of the sample group within the immediate period following their arrival to Nairobi. This harassment often manifested itself in the form of random document checks in order to extort payments. Respondents said that they were often required to pay some form of bribe, regardless of whether or not they were in possession of valid documentation legalizing their presence.

Close to double the percentage of the male sample (30 per cent) encountered this problem than the percentage of the female sample (17 per cent). Asylum seekers from the Horn of Africa (Somalia, Ethiopia, and Eritrea) were also far more likely to experience police harassment than those from the Great Lakes region (Democratic Republic of the Congo, Rwanda, and Burundi). This is likely due to the fact that their physical appearance is quite distinct from the predominantly Bantu Kenyan host community, making it much harder for them to blend in.

Respondents from the Horn of Africa also highlighted ‘fear’ as a protection concern, which often stemmed from a lack of documentation legalizing their presence in Kenya. Police corruption, language barriers, ignorance of refugee law and correct documentation, and the perceived willingness of Somali refugees to pay their way out of any police encounter, regardless of whether or not they were flouting the law, also contributed to the high levels of harassment and extortion.<sup>12</sup> The main strategy of avoiding police harassment and extortion for many new arrivals was simply to stay indoors.

### *Theft*

The second most commonly encountered protection issue among the sample group was theft of money or personal belongings. Respondents from the Great Lakes had a higher likelihood of encountering theft (9 per cent) than their counterparts from the Horn of Africa (5 per cent).

### *Security threats*

Security threats (threat of deportation, arbitrary detention or death) were the third most commonly encountered protection issue. Similar percentages of men and women from the Great Lakes and Horn of Africa regional samples encountered security threats, although the nature of the threat varied. Some informants specifically cited security concerns from agents of their country of origin, who they claimed were operating throughout Nairobi to monitor ‘dissidents’. Qualitative data suggests that there is a real basis for these fears. A UNHCR Protection Officer reported that UNHCR had encountered cases of individuals being lured to their embassy and abducted, with one individual being forcibly repatriated and sentenced to death. A former government official who fell out of favour described the situation in Nairobi:

"There are a lot of refugees here who are working as spies for the current government. I have met them...even last week, I saw someone on Tenth Street, I recognised them from when I was back there. They regularly

<sup>12</sup>RCK 2012.



communicate with the government. I saw two around Chai Road. Especially in Fourth and Tenth Street, they live around there. If you go there now you may see one, two or three of them. They tell the government what refugees are doing, their movements, and they take people back...

### *Gender-based violence*

Gender-based violence (GBV) was the next most commonly reported immediate protection issue, and was only reported by women. Although only three per cent of the female sample reported having encountered a form of GBV within their first week of arrival, qualitative data suggest that the actual figure may be higher as many women may not feel comfortable acknowledging an incident within the context of a household survey.

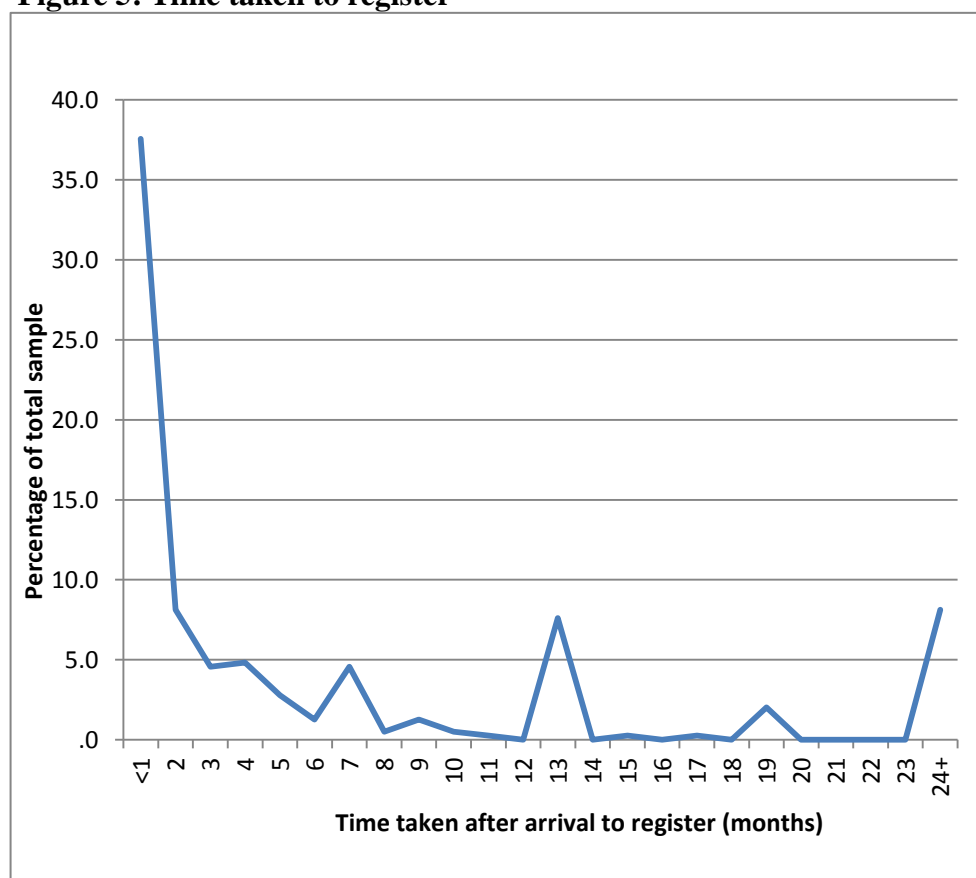
Female new arrivals were especially vulnerable if they arrived without any prior contacts in Nairobi. In these situations, female new arrivals were often dependent for their survival upon the goodwill of strangers, who could offer them accommodation or employment but later demand sexual favours in return. They could be kept within a confined environment, and be unable to seek help. One young Somali woman experienced such a situation – she was kept in captivity by her host, forcibly raped, and had five children before she was discovered during a home visit by a community worker. There are no doubt many other women that have found themselves in similar situations, but who remain hidden from view and unable to escape.

### *Socio-economic difficulties*

Qualitative interviews revealed a number of other immediate protection concerns which were not apparent from the quantitative results. Most notably, respondents highlighted the often desperate socio-economic situation faced by asylum-seekers, with many citing the lack of shelter, food and basic non-food items, e.g. mattresses, blankets and cooking materials, as their most significant protection concern upon arrival. Time and time again, informants described their life in Nairobi as 'difficult' – many saying they barely survived on one or two meals a day. One unaccompanied Somali boy stated that his host gave him food so irregularly that he often had to 'sleep with hunger'.

The rising cost of living in Nairobi meant that accommodation arrangements for asylum seekers were often provisional. Numerous informants described being forced to leave a host arrangement, contributing to a pattern of continual shifting from place to place. For one Congolese minor, his host 'chased us away because he had no means of supporting us...It was not because of hate, just a lack of means'.<sup>13</sup> As unaccompanied and separated children ((UASC) roamed in search of alternative accommodation and sources of food, they were particularly vulnerable to abuse, including physical, sexual and economic exploitation. The strategies employed to find food and shelter directly after their arrival and their limitations are explored in more detail below.

**Figure 5: Time taken to register**



### *Registration challenges*

The Department of Refugee Affairs (DRA) was established under the Refugee Act of 2006 and signalled the GoK's acceptance of greater responsibility towards Kenya's asylum seeker and refugee population. Until 2011 individuals were required to register their claim solely with UNHCR; however, they are now required to first register as asylum seekers with DRA, receive an asylum seeker pass, and then proceed to UNHCR for refugee status determination (RSD).

Somalis from southern and central Somalia have until recently been granted *prima facie* group refugee status, meaning that they are automatically recognized as refugees on the basis of objective criteria related to the circumstances in their country of origin and their flight. Other nationalities are required to undergo individual refugee status determination which, on average, takes 13 months; if their claim is recognized, they are issued with a certificate of refugee status (locally known as a 'mandate'). Once this is issued, they are referred back to DRA to receive a government-issued refugee identity card.<sup>14</sup>

<sup>14</sup> These registration and refugee status determination procedures were at the time of writing in a state of great flux and uncertainty. On 13 December 2012, the Government of Kenya issued a directive suspending government registration of urban refugees and ordering all refugees to proceed directly to Kakuma and Dadaab refugee complexes. A Kenyan court has blocked the implementation of the directive, so the long term

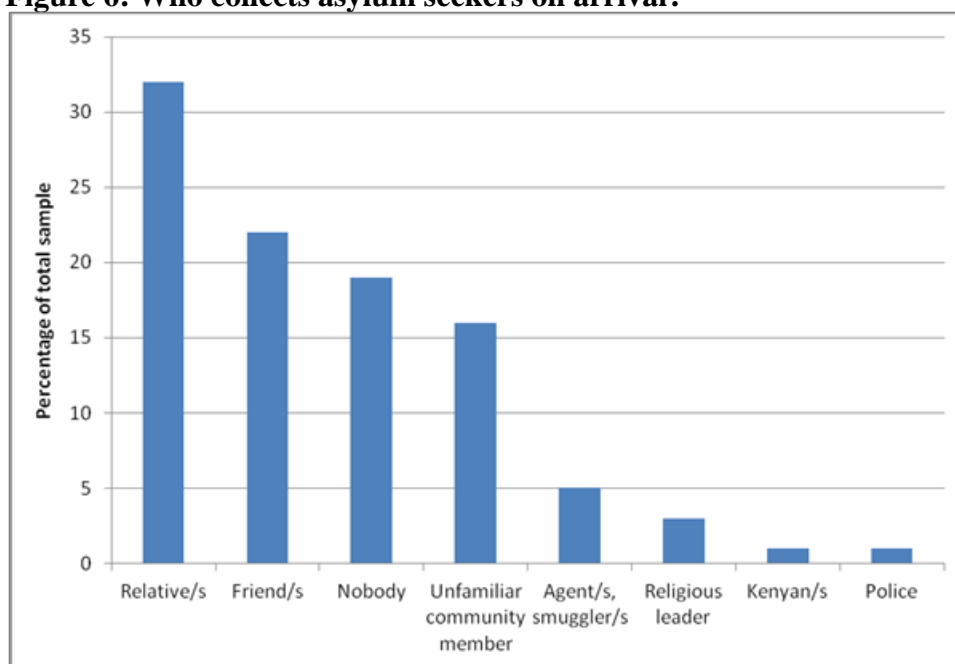
As highlighted above, a lack of legal documentation leads to significant protection risks for new arrivals, as it leaves them vulnerable to police harassment, *refoulement*, exploitation and other dangers. In spite of this, only 23 per cent of respondents registered their asylum claim within their first week of arrival.

A further 45 per cent took more than 30 days to register and 10 per cent of respondents (predominantly women from the Horn of Africa) failed to register their asylum claim at all – and failing to register within 30 days after arrival is in breach of Kenyan law. Among those who registered with DRA, some alleged that they were encouraged to pay a ‘facilitation’ fee to expedite the processing of their registration, although DRA services are free.

### Arriving in Nairobi

The majority of respondents were collected from their entry point by relatives or friends. Those who were not collected (suggestive of a less organized and more haphazard arrival process) tended to ask for directions to places where their ethnic community were concentrated. Somalis and Ethiopians were often directed towards Eastleigh (if they had not already been dropped there), and respondents from the Great Lakes region were often

**Figure 6: Who collects asylum seekers on arrival?**



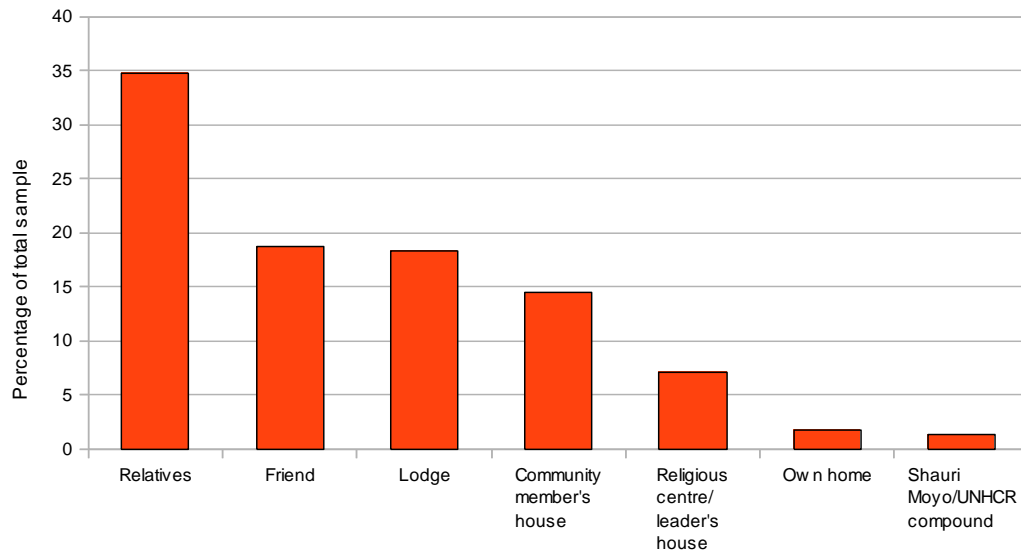
directed to Kawangware, Kangemi, Kasarani, Kitengela, Kayole and Umoja. Upon arrival to these ethnic community hubs, newcomers could be identified by clan or birth village and assisted along those lines. This identification process did not always occur automatically – one recent Congolese male arrival described how he had been directed to Kayole, where he was told he would find many other Congolese. Upon arrival, however, he spent two days

significance of the directive for registration and refugee status determination of urban asylum-seekers is still to be determined.

sleeping outdoors before he was able to identify someone from his ethnic group who could provide assistance.

*Shelter*

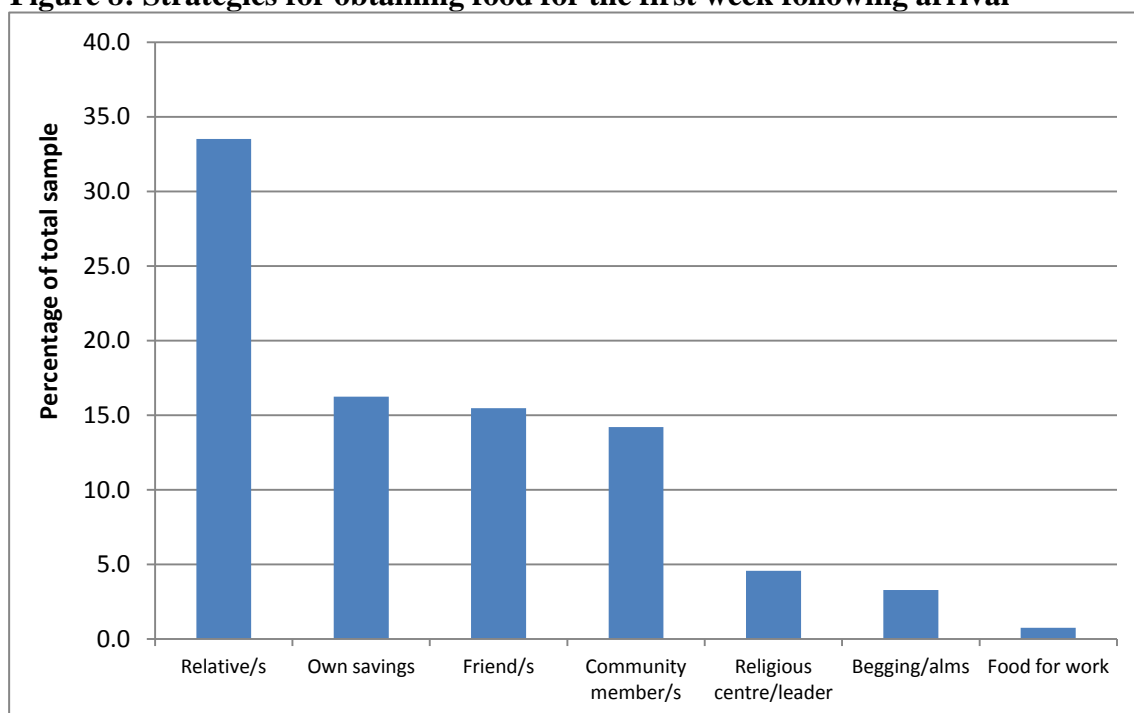
**Figure 7: Shelter strategies for first week following arrival**



Acquiring shelter was the first priority for most newcomers. The overall majority of respondents stayed with a relative and/or friend's house in their first week in Nairobi (54 per cent) but substantial numbers also sought shelter at lodges or hotels (18 per cent), the homes of community members (14 per cent) and religious centres (7 per cent); a much small number (one per cent) slept in the DRA/UNHCR compound. Many sought shelter in multiple locations during their first week.

The often temporary nature of early host arrangements caused particular problems in monitoring unaccompanied and separated children (UASC). Unaccompanied and separated children tended to move between different hosts after their arrival in Nairobi, and hosts were often reluctant to formalize foster arrangements for fear that it would affect their chances of being resettled in a third country. The conditions in which shelter was offered could also vary considerably for both unaccompanied and unconnected adults and children, with many required to work in exchange.

**Figure 8: Strategies for obtaining food for the first week following arrival**



### *Food*

Food was another immediate concern for respondents in the immediate period after their arrival in Nairobi. Most received food from relatives, friends or community members during their first week in Nairobi. However, 16 per cent used their own savings to purchase food, five per cent received food from a religious centre or cleric, three per cent relied on begging or good Samaritans, and 1 per cent worked in exchange for food.

### *Variations in community support*

Somalis were widely acknowledged to have the strongest levels of community support for newcomers. Female respondents had often been initially taken in as domestic workers; although they tended not to be paid, they were provided with food and shelter during this vulnerable period. One Somali female newcomer described how she entered into such an arrangement. She was dropped at Twelfth Street in Eastleigh and met a Somali woman selling tea on the street. The woman agreed to take her in and provide her one meal a day in return for cleaning her house.<sup>15</sup>

The large number of Somali refugees – they account for 59 per cent of the registered asylum seeker and refugee population in Nairobi – meant that Somali newcomers had a higher chance of knowing or finding someone from their village or clan who might assist them. The well-established and integrated Kenyan-Somali presence provides linkages between the Somali refugee population and the host community and may facilitate the integration of newcomers. Lastly, the Somali diaspora has also been shown to provide significant financial

support in the form of remittances to the Somali asylum seeker and refugee community in Nairobi. Previous studies have documented that between 35 and 45 per cent of Nairobi's refugees receive remittances from the diaspora averaging between US\$50 and US\$200 per month,<sup>16</sup> and 11 per cent of respondents in this study were able to benefit from such assistance during their first week in Nairobi.<sup>17</sup>

Similarly, the presence of the ethnically related Kenyan Borana may also assist with the integration of newly arrived Oromo asylum seekers. One Oromo female described how she met a Kenyan Borana woman during her journey to Nairobi who took pity on her, housed and fed her for her first three months in the city.

Assistance by the local community did not solely depend on ethnic links. Several key informants highlighted their own experiences of being helped by Kenyan hosts, despite having had no prior connection to them. In Kayole, members of the host community assist refugees through a number of local initiatives, including a Kenyan school that allows Congolese refugees to use a cyber cafe and attend a computer training school at a subsidized rate for refugees.

A Rwandan refugee described how he had initially been received by a Kenyan who worked for a partner organization to the Ugandan NGO where he had previously been working.<sup>18</sup> Lastly, a newly arrived Oromo female described how both Oromo and Kenyan residents in her neighbourhood had pooled their money together to enable her to start up a small restaurant to support herself and her relatives.

The Congolese refugee communities were also found to help one another, typically along ethnic lines ('our culture does not allow us to close the door on someone from our community'). Certain ethnicities, such as the Banyamulenge, were thought to be better organized than others and community leaders described how they were informed when newcomers arrived. They would then try to find others from the same area of origin to assist the newcomers and introduce them to the community.

Congolese networks were generally thought to be weaker than those of the Somali community because they were more widely dispersed in different parts of Nairobi and also because they have less stable source of income than the Somali business community, which in turn made them less able to provide for newcomers. Indeed, one Congolese key informant described how although he would have liked to have helped newcomers from his community, 'I could not accept many because my way to live is limited'.<sup>19</sup> It was very common to find newly arrived Congolese asylum seekers who struggled to have more than one meal a day.

Regardless of ethnic group or nationality, for most respondents who had arrived without existing family links in Nairobi, the high cost of living and providing for additional household members meant that most could not expect to be hosted by non-relatives for more than a few days or a week, after which they were expected to fend for themselves. As a result, it was common to come across vulnerable individuals moving from one host arrangement to another, whenever they found they had overstayed their welcome. One newly arrived Somali

<sup>16</sup> RCK 2008; Campbell et al 2011.

<sup>17</sup> For a more detailed exploration of the role of remittances in Somali refugee livelihood strategies, see Lindley 2007. For Somali social capital, see Lambo 2012 and Landau and Duponchel 2011.

woman stayed with a friend for the first two months following her arrival, but was then asked to go elsewhere. Since then, she has survived on community members accommodating her temporarily and providing sporadic food donations – 'Some days, I don't eat'.

For some respondents, their reasons for fleeing their country of origin meant that they purposely avoid meeting other community members and accessing community support networks, and this made them more vulnerable. Several newly arrived Ethiopians fleeing political persecution deliberately tried to avoid other community members as they feared that they would be found by Ethiopian government agents. One described how he avoided Pangani because there may be government agents among the large numbers of Ethiopian refugees living there.

### **Services for new arrivals**

Newcomers found that formal UNHCR and NGO support to be extremely limited, particularly as many agencies require proof of refugee status before they could provide assistance. In Nairobi, UNHCR does not offer assistance to meet basic needs (i.e. food, shelter), except in the most vulnerable of cases, e.g. when it concerned unaccompanied and separated children. Emergency medical needs may be met by UNHCR's implementing partner for medical services (the National Council of Churches for Kenya).

Faith-based organizations were an exception to the generally limited amount of support provided by NGOs to newcomers. They tended to have less strict criteria for assessing whether someone qualified for assistance (i.e. the requirement of formal refugee status recognition); they also even specifically targeted the most vulnerable amongst the new arrivals.

There are several faith-based organizations operating in Nairobi that specifically identify and reach out to newly arrived and vulnerable asylum seekers through established refugee community networks and religious institutions. These organizations provide a range of services for asylum seekers depending on available resources and the specific needs of the newcomer. These initial services may include assistance with basic orientation, food rations, non-food items, assistance with rent, and basic medical care for up to four months following their arrival. Longer term support may include start-up loans for income-generating activities, educational support and ongoing pastoral care.

Specific churches and mosques were known among both refugee and host communities to assist asylum seekers, often along ethnic or national lines. Assistance varied from meeting immediate basic needs (e.g. acting as an emergency temporary shelter), collecting alms on their behalf from worshippers, serving as a meeting point for newcomers to identify members of their clan or birth village, providing a platform to exchange information, providing much-needed psychosocial support, comfort and hope for the many new arrivals suffering from post-traumatic stress disorder.

Respondents from the Great Lakes region appeared to rely on faith-based organizations and religious institutions to a greater degree in the immediate period following their arrival than Somali respondents, for whom the mosque was considered 'the last place they come for help and kindness', which might in part be an indication of the strength of their clan-based support networks. Faith-based organizations and religious institutions were found to assist

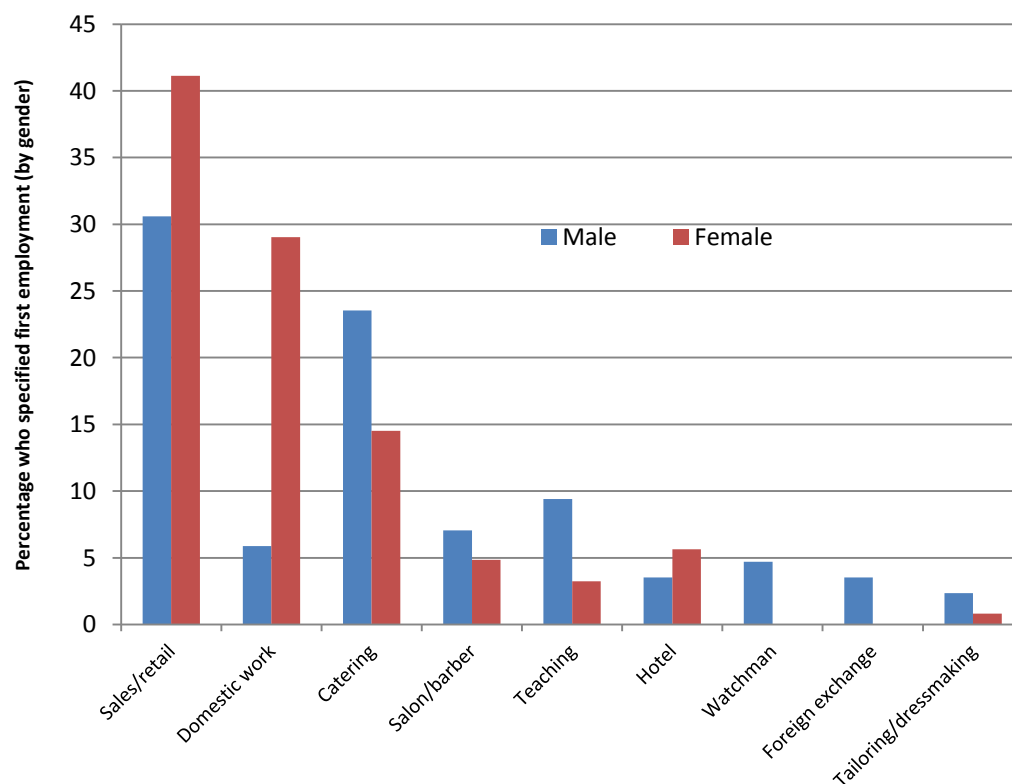
unaccompanied and separated children with psychosocial support, tracing relatives, providing emergency shelter as a last resort, and linking them to other forms of assistance including community well-wishers or humanitarian organizations.

Although faith-based organizations and religious institutions were clearly striving hard to cover the protection gap affecting new arrivals, their assistance was contingent on the availability of funds and the generosity of alms-givers who themselves could be struggling. It is also important to note that although faith-based organizations and religious institutions did not necessarily stipulate a recipient’s faith as a prerequisite for support, they would often prioritize support for their own religious adherents, or their recipients could be self-selecting (i.e. Christians would be more likely to seek support from a church, whereas Muslims would go to a mosque, etc.).

### Early attempts at establishing livelihoods

The Refugee Act of 2006 established the legal framework for refugees to obtain employment. Under this act, refugees are subject to the same restrictions as other non-Kenyans and therefore need to obtain a work permit from the GoK prior to employment. As a result, asylum seekers in Nairobi are not legally entitled to find work to support themselves while their claim is being processed – the individual refugee status determination process on average takes about 13 months.<sup>20</sup>

**Figure 9: Types of early employment**





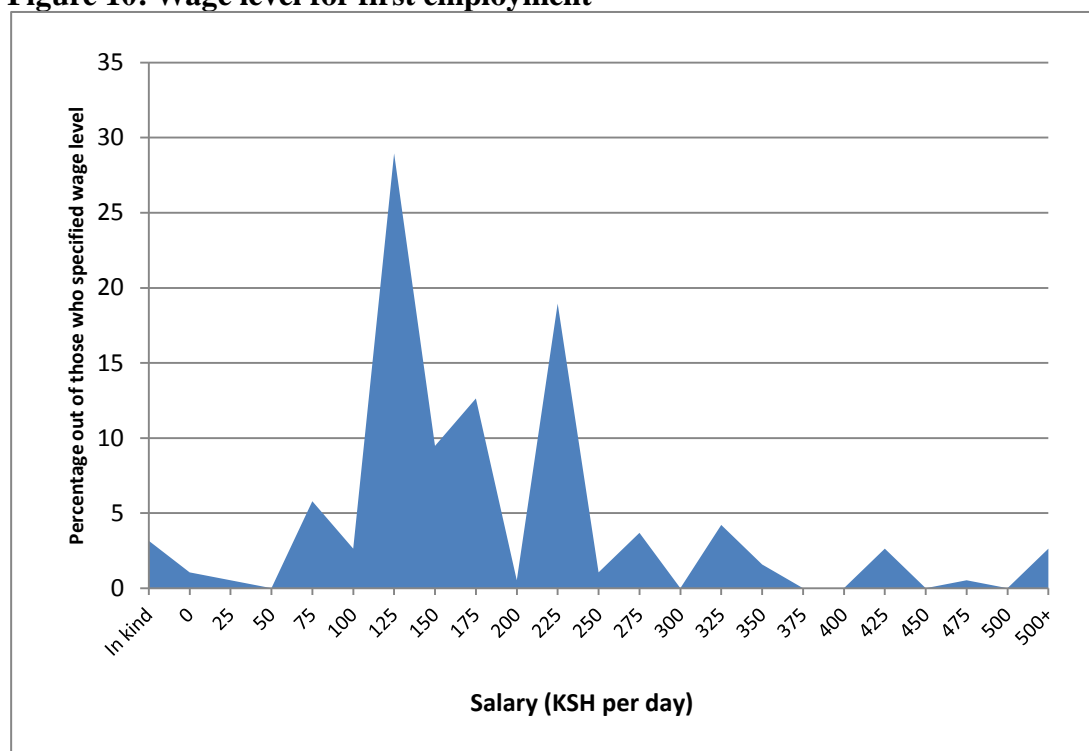
### Types of early employment

In reality, the high cost of urban living meant that many asylum seekers were obliged to find some kind of informal work as part of their survival strategy. For the 54 per cent of respondents who obtained work since arriving to Nairobi, the most common form of first employment was in sales/retail (36 per cent), followed by domestic work (19 per cent) and catering (18 per cent). Unaccompanied and separated children were normally first employed in domestic work and in selling food items or clothing on the street, working in hotels, or in slaughterhouses.

### Wage levels

Wage levels for those taking up a first job on arrival in Nairobi varied between 0 KES per day (i.e. paid in kind) to about KES 500 (US\$5.80)<sup>21</sup> per day. Most earned between KES 100 and 200 (US\$1.16-US\$2.32) per day, well below the minimum wage for urban areas of KES 365 (US\$4.24) per day.<sup>22</sup> Being paid in kind seemed to be particularly prevalent in the case of respondents from the Horn of Africa employed as domestic workers, and unaccompanied and separated children who commonly found themselves in such arrangements.

**Figure 10: Wage level for first employment**



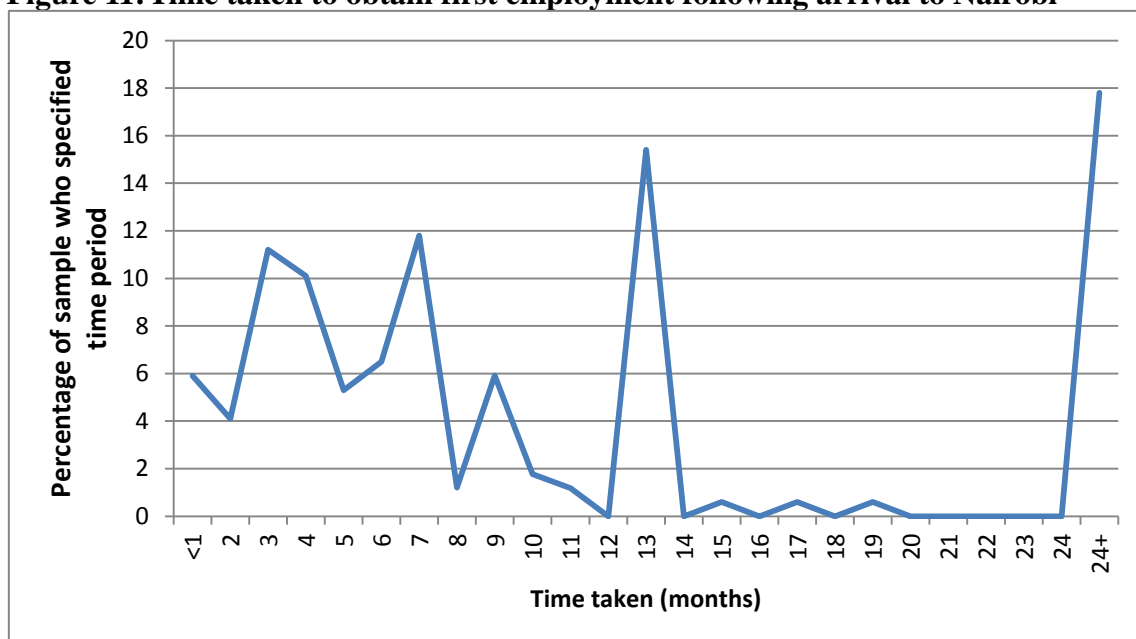
Assistance with household chores was not necessarily classified as ‘work’ or ‘employment’ among these communities, but rather was seen as an informal mechanism for repaying well-wishers for taking a newcomer into their home and therefore not receiving a salary was not automatically equated with exploitation. And regardless of how it was perceived, respondents reported that they often had no other choice but to accept whatever was offered.

<sup>21</sup> Currency conversions accurate as of 14th December 2012 (www.xe.com).

<sup>22</sup> Government of Kenya 2011.

*How long does it take to find work?*

**Figure 11: Time taken to obtain first employment following arrival to Nairobi**



Even though economic necessity might dictate it, finding the first employment opportunity (which on average took respondents six months) was not a straightforward process for many within the sample group. Male respondents were generally able to obtain employment quicker than female respondents who managed to do so within five months as opposed to eight months for males; individuals from the Horn of Africa on average found work faster than those from the Great Lakes region, i.e. within six months as opposed to 11 months. This difference could be partially due to stronger community networks among the larger and more geographically concentrated population of refugees from the Horn of Africa living in Eastleigh but this question needs to be further explored.

### *Challenges in finding work*

Many key informants spoke of the difficulties in obtaining employment in Nairobi. Among the key challenges they identified were the language barrier, lack of start-up capital, lack of information on their right to work, lack of training, and medical complaints resulting from war injuries or neglected medical conditions. The experience of a 24-year old male Congolese sums up the vicious cycle of unemployment and poverty. He had worked as a casual labourer in order to earn the bus fare to reach UNHCR, but described how he was no longer fit for manual labour: 'To do that work, you have to be strong. When you don't eat, you can't'.<sup>23</sup>

Regardless of gender or country of origin it is clear that for the average respondent, paid employment did not feature as part of their immediate survival strategy. Most had to muddle through by other means for at least the first six months.

<sup>23</sup> 24 year old Congolese male recent arrival, Kayole, 14th March 2012.

## **Conclusion and recommendations**

Asylum seekers are at their most vulnerable when they arrive in Nairobi and the period immediately following arrival. In contrast to a camp setting, there are no clear entry hubs to begin the registration process and seek assistance. Instead, asylum seekers reaching Nairobi arrive at dispersed locations and have no clear path to access available services, legal documentation or livelihood opportunities. Some are able to find their way to their respective ethnic community hubs; others, however, scatter and rapidly become absorbed in the urban sprawl and become, to all extent and purposes, invisible to UNHCR, NGOs and the GoK.

The extent to which new arrivals are able to cope with their immediate challenges can determine the nature of their Nairobi existence for many years to come. They may negotiate adequate protection for themselves or be pulled into a cycle of exploitation and a constant struggle for survival. Key protection threats that negatively affect the ability of newcomers to thrive include police harassment, theft, security threats (including from government agents), gender-based violence, physical assault, socio-economic difficulties and resulting economic exploitation and registration challenges.

Formal government, UNHCR and NGO support is extremely limited during the immediate arrival period, although faith-based organizations provide different forms of assistance. Newcomers often rely on what they can access from faith-based organizations, religious institutions and the limited capacity of informal community-based support mechanisms. The common eligibility requirement of recognized refugee status to access formal services leaves many needy newcomers in a state of limbo, with no guarantee of protection.

During this period asylum seekers are at risk of falling irrevocably through the cracks of humanitarian assistance, and may be compelled to resort to negative coping strategies. Information and awareness of available services is limited among newcomers, as well as on the established refugee communities that could welcome them.

Religious institutions are often the first port of call for newcomers lacking prior contacts in Nairobi. Such institutions address protection gaps by providing emergency assistance to meet the basic needs of the most vulnerable, and by linking them to other organisations that may be able to assist. However, a lack of resources limits the extent and duration of assistance these organisations are able to consistently provide.

These findings could inform more effective early intervention policies and programmes and ensure enhanced protection of newly arrived asylum seekers. The study identifies entry points to Nairobi where early interventions could be targeted prior to the newcomers dispersing to different parts of the city. These early interventions could also be focused on connecting entry points more directly to registration processes, which could help address the significant number of asylum seekers who delay registering or who fail to register at all. There was also a demonstrated need for prompt processing of asylum claims and stronger safeguards to tackle corrupt practices.

Most importantly, there is a need for community-based awareness raising campaigns to disseminate accurate information on registration processes, which specifically target key demographics that are prone to delays in registering or failing to register at all, and to counter the often misleading rumours that spread among refugee communities. These awareness-raising efforts could be channelled through community-based organizations, such as TUSA

solidarity groups, as well as religious institutions (such as local churches and mosques), which are a first port of call for many new arrivals to Nairobi and play a key role in advising on registration procedures. Both community and faith-based organizations could benefit from specific training to enable them to dispense accurate advice on the new registration procedures.

Established urban refugee communities in Nairobi have shown themselves willing to welcome, absorb and support newcomers in the near-absence of formal service provision exists. However, their limited capacity does not always allow them to meet the basic needs of all vulnerable new arrivals. Existing community and faith-based support structures and services could significantly benefit from capacity building and financial assistance from the GoK, UNHCR and NGO actors.

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